

REMARKS

Upon entry of the present amendment, claims 1, 3, 5, and 6 will have been amended, the specification will have been amended, and new claims 7-12 will have been presented for consideration by the Examiner. In view of the herein contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections and objections set forth in the above-mentioned Official Action, together with an indication of the allowability of all of the claims pending in the present application.

Applicant notes with appreciation the Examiner's consideration of all of the documents cited in the various Information Disclosure Statements filed in the present application by the return of the initialed and signed copies of the PTO-1449 Forms accompanying each of the Information Disclosure Statements filed herein.

Applicant further notes with appreciation the Examiner's acknowledgment of Applicant's claim for foreign priority under 35 U.S.C. § 119 and the filing of the certified copies of the priority documents in parent application 09/167,572 and the claim of domestic priority under 35 U.S.C. § 120 to this same application. Finally, Applicant notes with appreciation the Examiner's acceptance of the drawings filed August 9, 2001.

In the outstanding Official Action, the Examiner has rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by SABEE et al. (U.S. Patent No. 4,276,336). The Examiner has further rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over SABEE in view of KANAI (Japanese Patent Publication No. 61-252353). Finally, the Examiner has rejected claims 3-6 under 35 U.S.C. § 103(a) as being unpatentable over SABEE in view of KANAI when taken in view of HAYASHI (U.S. Patent No. 5,145,935).

Applicant respectfully traverses the above rejections and submit that they are inappropriate in view the herein contained remarks and amendments.

The present disclosed invention is directed to a method of making an apertured film for e.g. a printer . The method, as recited by amended independent claim 1, includes heating and stretching a film with a stretch roller having a smooth periphery and then punching holes in the film with punching rollers to form an apertured film that can e.g. be used as an ink transfer film for a printer.

On the contrary, SABEE discloses stretch rollers 20 including protrusion and stretching/forming the web 10 into a staggered shape with an aperture roller 32, as shown in figure 3. Furthermore, the fabric produced by SABEE is used in, for example, rain gear and tents (see abstract). SABEE does not disclose the claimed features of using a heated smooth-periphery stretch roller and then punching holes with a punching roller to form an apertured film.

The other applied references also do not disclose these claimed features. For example, HAYASHI is directed to a shape memory polyurethane elastomer

molded article formed from a polyurethane elastomer that has a degree of crystallinity of 3 to about 50 wt %. HAYASHI is silent to any heating, stretching, and punching of holes as recited in the claims.

KANAI discloses a sheet of polynorbonene for use in clothing and automobile interiors that will recover its shape after heating. KANAI is also silent to any heating, stretching, and punching of holes as recited in the claims.

There is no suggestion or disclosure in either SABEE, HAYASHI, or KANAI (or in any proper combination thereof) to use a smooth heated stretch roller to stretch a film and to punch holes with a punching roller to form an apertured film. Thus, claims 1-6 are neither anticipated by these references nor rendered obvious thereby.

The Examiner has rejected claim 6 under 35 U.S.C. § 112, second paragraph, for “said shape memory resin” lacking antecedent basis. Applicant does not believe that a lack of antecedent basis is properly rejected under 35 U.S.C. § 112, second paragraph, such a minor matter is more appropriately objected to. However, in order to expedite prosecution, Applicant has amended claim 6 to depend from claim 2 in the manner noted by the Examiner. As such, Applicant asserts that the 35 U.S.C. § 112, second paragraph rejection has been overcome.

With regard to dependent claims 2-6, Applicant asserts that they are allowable on their own merit and at least because they depend on independent claim 1, which Applicant submits has been shown to be allowable.

Additionally, minor amendments have been made to claims 3 and 5 in order to make to them more consistent. In these amendments, Applicant has made several changes to the language of the claims to render the same more self consistent, as well as more fully in compliance with U.S. syntax, idiom and grammar. These amendments do not change the scope of the claims but are merely cosmetic changes that give rise to no file wrapper estoppel.

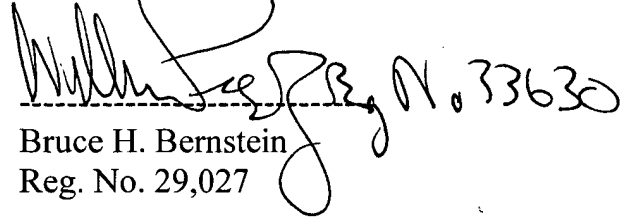
The Examiner has also objected to page 14 of the specification. Applicant does not agree with the Examiners indication that this language is improper. Nevertheless, Applicant has deleted this language in order to expedite prosecution. Applicant submits that the objection to the specification has been overcome.

New claims 7-12 add no prohibited new matter and recite features that are not taught by the prior art. New independent claim 7 is somewhat similar to independent claim 1 which Applicant submits has been shown to be allowable.

Applicant has made a sincere effort to place the present application in condition for allowance and believe that he has now done so. Applicant has pointed out the specific language of Applicant's claims that define over the references of record and respectfully request an indication to such effect, in due course.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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